

Rev 2/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : HENRICUS ADRIAAN ANNE JACOBUS KORTHOUT, ET AL.  
Application No. :  
Filed : Herewith  
For : CONTROL OF PROGRAMMED DEATH (PCD) IN  
PLANTS  
Examiner :  
Attorney's Docket : VER-208XX

TC Art Unit:

\*\*\*\*\*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
22313-1450 on \_\_\_\_\_.

By: \_\_\_\_\_  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

\*\*\*\*\*

INFORMATION DISCLOSURE STATEMENT

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

- [X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

- [ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
  - [ ] a statement under 37 CFR § 1.97(e); or
  - [ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure Statement was known to any individual designated in 37 C.F.R. §

Attorney Docket No.: VER-208XX

Filed: Herewith

TC Art Unit:

Confirmation No.:

1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Where the status of the application has changed, unknown to the applicant, such that the boxes checked are no longer applicable, the Commissioner is authorized to accept this submission with any additional fees required by that change charged to Deposit Account No. 23-0804.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made. The filing of this Information Disclosure Statement is not to be construed to be an admission that the information cited herewith is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that Applicant(s) is(are) unable to provide an affidavit under 37 CFR §1.131 swearing back of such information.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in an International Search Report (copy enclosed) in application No. PCT/NL2005/000114 filed February 17, 2005.

10/589652  
IAP6 Rec'd PCT/PTO 16 AUG 2006

Attorney Docket No.: VER-208XX

Filed: Herewith

TC Art Unit:

Confirmation No.:

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

HENRICUS ADRIAAN ANNE  
JACOBUS KORTHOUT, ET AL.

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109

Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: 8-16-06

CLG/mc/340286.1  
Enclosure

Date: August 16, 2006

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<b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>				ATTY. DOCKET NO.  VER-208XX		APPLICATION NO.  <b>10/589652</b>	
				APPLICANT: Henricus Adriaan Anne Jacobus Korthout, et al.			
				FILING DATE Herewith		TC ART UNIT	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	PUBLICATION/ ISSUE DATE	NAME	CLASS	SUBCLASS	FILING DATE
		US 6,603,060	08-2003	Ohashi, et al.			
		* US 2003/162,294	08-2003				
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		WO 00/26391	05-2000	WIPO			
		* WO 00/08187	02-2000	WIPO			
<b>OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)</b>							
		Korthout, H.A.A.J. et al: "A tormentor in the quest for plant p53-like proteins," FEBS LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL., vol. 526, no. 1-3, 28 August 2002, pages 53-57.					
		Coupe, Simon A., et al: "Molecular analysis of programmed cell death during senescence in Arabidopsis thaliana and Brassica oleracea: Cloning broccoli LSD1, Bax inhibitor and serine palmitoyltransferase homologues." JOURNAL OF EXPERIMENTAL BOTANY, vol. 55, no. 394, January 2004, pages 59-68.					
		Danon, Antoine, et al: "Ultraviolet-C overexposure induces programmed cell death in Arabidopsis, which is mediated by caspase-like activities and which can be suppressed by caspase inhibitors, p35 and Defender against Apoptotic Death." JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 279, no. 1, 2 January 2004, pages 779-787.					
		Levine, Alex et al: "Vesicle-associated membrane protein of Arabidopsis suppresses Bax-induced apoptosis in yeast downstream of oxidative burst." JOURNAL OF BIOLOGICAL CHEMISTRY, vol. 276, no. 49, 7 December 2001, pages 46284-46289.					
		Sweetlove, L.J. et al: "The impact of oxidative stress of Arabidopsis mitochondria." PLANT JOURNAL, vol. 32, no. 6, December 2002, pages 891-904.					
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

CLG/mc/340300.1

**REFERENCES FURNISHED BY INTERNATIONAL BUREAU (PCT/NL2005/000114 filed February 27, 2005)****\* US 2003/163,294 is equivalent of WO 00/08187**